NOTES OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS — No. 1

The High Commissioner for Human Rights:

AN INTRODUCTION

Making Human Rights a Reality

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UNITED NATIONS
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NOTE

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FOREWORD

I am pleased to present this first issue in a series of publications entitled *Notes of the United Nations High Commissioner for Human Rights*. The new collection is intended to contribute to the fulfilment of my mandate as coordinator of the United Nations human rights programme by increasing human rights awareness worldwide and encouraging debate on innovative human rights topics.

Each issue in the series will present an introduction to an important human rights topic, an explanation of policy orientation and the basic documentation.

This first issue provides a general overview of the mandate I assumed when, on 5 April 1994, I took up my duties as the first United Nations High Commissioner for Human Rights. The General Assembly had established the post of High Commissioner only on 20 December 1993. The relative novelty of the post and the broad and complex mandate assigned to it have prompted me to devote this first issue to a description and discussion of my responsibilities.

I sincerely hope that this new publication will prove to be a useful source of information for all those interested in and devoted to the promotion and protection of human rights. I count on your cooperation and engagement in meeting current and future challenges.

José AYALA-LASSO

United Nations High Commissioner for Human Rights

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ABBREVIATIONS

ECOSOC	Economic and Social Council
ILO	International Labour Organisation
IPTF	International Police Task Force
OSCE	Organization for Security and Cooperation in Europe
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
World Bank	International Bank for Reconstruction and Development

Part One

Creation of the United Nations High Commissioner for Human Rights

I. Introduction

1. The participants at the San Francisco Conference in 1945 included "international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion"[1] among the fundamental purposes of the United Nations. The Economic and Social Council has been empowered, *inter alia*, to "make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all"[2] and entrusted with the responsibility of setting up "commissions in economic and social fields and for the promotion of human rights".[3] In 1946, the Commission on Human Rights was established[4] and shortly afterwards, in 1947, it created the Sub-Commission on Freedom of Information and of the Press (which acted only until 1952) and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Thus the nucleus of the international machinery to promote and protect human rights was set up.

2. Since the adoption of the Charter of the United Nations, the desire for effective promotion and protection of human rights and related activities has been widely shared. Given the historical background, it is not hard to understand, however, that the international community encountered difficulties in making some necessary decisions. The process of creation of the post of High Commissioner for Human Rights, with its ups and downs, provides an excellent example of these obstacles. Almost 50 years passed before the

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[1] Charter of the United Nations (hereinafter, "Charter"), Article 1, para. 3.

[2] Charter, Article 62, para. 2

[3] Charter, Article 68.

[4] See ECOSOC resolutions 5 (I) of 16 February 1946 and 9 (II) of 21 June 1946.

General Assembly was able to take the relevant decisions. The following sections describe this process and its outcome.[5]

II. 1947-1973: 26 years of attempts

3. During the preparation of the Universal Declaration of Human Rights in 1947, René Cassin, the French representative, first launched the idea of an Attorney General who would be responsible to Governments for the defence of the rights of people. This was a revolutionary proposal in view of international law and international relations at that time and therefore stood little chance of acceptance.

4. The 1950s debate on the elaboration of international covenants on civil, political, economic, social and cultural rights revived the idea of an organ responsible for human rights in the framework of the Covenant implementation measures.[6] At the fifth session of the Commission on Human Rights, in 1950, Australia presented a proposal for the establishment of an international court of human rights which would ensure respect for the specific provisions of the Covenant and also for any related general human rights conventions. The proposal was destined to fail, however, due to the fact that not only States, but also individuals, groups of individuals and associations, both national and international, would have been permitted as parties in proceedings.[7]

5. The same year, Uruguay submitted to the General Assembly a proposal for the establishment of a permanent organ of the United Nations (a High Commissioner or Attorney General), which would function in the framework of the international covenant on human rights, the draft of which was under discussion. This new organ was to be endowed with extensive powers "with respect to the implementation of the provisions of [the] Covenant and the supervision of its observance".[8] The proposal was then presented at the

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[5] See also R. S. Clark, *A United Nations High Commissioner for Human Rights* (The Hague, Martinus Nijhoff, 1972).

[6] The implementation measures were to have constituted the third part of a unitary document, the International Bill of Human Rights, including the Universal Declaration and a (single) covenant.

[7] A similar proposal, presented by Colombia in 1962, for the establishment of an international tribunal on human rights, was withdrawn after failing to receive support in the Sixth Committee of the General Assembly.

[8] "Uruguay: Proposed additions and amendments to the draft first International Covenant on Human Rights (Document E/1681) relating to the establishment of the office of the United Nations High Commissioner for Human Rights (Attorney General)" (E/CN.4/549), art. 19, para. 2.

seventh session of the Commission on Human Rights but finally rejected, after examination, at the tenth session.

6. It was not until 1965 that another Latin American country, Costa Rica, submitted at the twentieth session of the General Assembly a draft resolution entitled "Election of a United Nations High Commissioner for Human Rights",[9] thus ending 15 years of silence on the issue. This was the first time that the idea of the creation of a post of High Commissioner was proposed in the framework of the Charter of the United Nations, and the first time that such a proposal survived scrutiny and was approved, albeit with amendments, by both the Commission on Human Rights[10] and ECOSOC.[11]

7. A debate concerning the title "High Commissioner", which some countries objected to as reminiscent of colonial experiences, prompted the Secretary-General to conduct a study. He concluded:

> It appears . . . that the term "High Commissioner", standing alone, does not give any indication as to the tasks, functions and powers of the holder of the office. . . . The only tangible result of using the term would be the expression of the General Assembly's intention to bestow upon the High Commissioner considerable prestige . . . (E/CN.4/AC.21/L.1, para. 152.)

8. Such success was encouraging, but remained without follow-up. Due to "lack of time (more precisely due to the lack of political will of States Members of the United Nations)", the General Assembly did not examine the ECOSOC recommendation to create a High Commissioner and only in 1973 did the Assembly again address the issue, merely reaffirming its general conviction as to the need to consider further measures in the field of human rights.[12]

III. The process of achievement

9. For 20 years no official voice was to break the silence that fell over the movement for the establishment of a High Commissioner for Human Rights. It was not until major political developments and a new emphasis on the protection of human rights changed the international climate in the 1990s that the idea was revived, this time amid conditions more conducive to approval. Advocates of the proposal used the preparatory process for the

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[9] See A/5963.

[10] The Commission examined Costa Rica's draft at its twenty-second and twenty-third sessions, in 1966 and 1967, and finally recommended a text, through ECOSOC, for adoption by the General Assembly (see E/4322, chap. XVII, draft resolution IV).

[11] ECOSOC adopted the Commission's draft resolution and recommended the text to the General Assembly for adoption (see ECOSOC resolution 1237 (XLII) of 6 June 1967).

[12] See General Assembly resolution 3136 (XXVIII) of 14 December 1973.

World Conference on Human Rights, held at Vienna in June 1993, as a formal framework to that end. In 1992, Amnesty International reasserted the importance of United Nations coordination of procedures for quick and effective responses to human rights violations worldwide through the creation of a new office headed by a high-level United Nations official.[13]

10. However, this time there was a great deal of reluctance. The belief in a radical improvement of the international protection of human rights and fears of a "world gendarme" in the field of human rights coexisted. Only one of the regional meetings prior to the World Conference on Human Rights, that for Latin America and the Caribbean, held at San José, Costa Rica, in January 1993, took a position on this question in its final declaration:

> We propose that the World Conference consider the possibility of asking the General Assembly to study the feasibility of establishing a United Nations Permanent Commissioner for Human Rights . . .[14]

11. At an interregional meeting in Strasbourg in January 1993 on "Human rights at the dawn of the 21st century", organized as a Council of Europe contribution to the World Conference preparations, the concept of a High Commissioner was considered and finally strongly supported.

12. States arrived at the World Conference with a variety of views on the establishment of the post and the eventual role of a High Commissioner for Human Rights. The "draft final outcome of the World Conference on Human Rights", presented by the Preparatory Committee,[15] illustrated the disparity of views, "from the repetition of the proposal made during the regional meeting in Costa Rica through the idea of merely upgrading the Director of the UN Centre for Human Rights to the creation of a strong office which would be able to react effectively to gross human rights violations".

13. Such a divergence of views was difficult to overcome. Consensus was reached only on the last day of the Conference when the Drafting Committee submitted the draft Vienna Declaration and Programme of Action. In the final text adopted by the Conference, the paragraph concerning the High Commissioner appears under the heading "Adaptation and strengthening of the United Nations machinery for human rights, including the question of the establishment of a United Nations High Commissioner for Human

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[13] See Amnesty International, *World Conference on Human Rights—Facing up to the Failures: Proposals for Improving the Protection of Human Rights by the United Nations*, AI Index IOR/41/16/92 (December 1992).

[14] San José Declaration on Human Rights, 22 January 1993 (A/CONF.157/LACRM/12/Add.1), para. 25.

[15] See A/CONF.157/PC/98, annex II, decision PC.4/5. Proposals that required further debate before approval or rejection were put in brackets. This was the case of the proposals relating to the High Commissioner for Human Rights (see part III of the draft).

Rights''; decisions as to the functions and powers of the office were left to the General Assembly:

17. The World Conference on Human Rights recognizes the necessity for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights, as reflected in the present Declaration and within the framework of a balanced and sustainable development for all people. In particular, the United Nations human rights organs should improve their coordination, efficiency and effectiveness.

18. The World Conference on Human Rights recommends to the General Assembly that, when examining the report of the Conference at its forty-eighth session, it begin, as a matter of priority, consideration of the question of the establishment of a High Commissioner for Human Rights for the promotion and protection of all human rights.[16]

14. Later the same year, the World Conference's recommendation was taken up by the Third Committee at the forty-eighth session of the General Assembly. Consultations carried out by the Committee's Chairman demonstrated that the problems relating to the creation of a High Commissioner were too complex to be examined and solved along with the normal work of the Third Committee. Accordingly, an open-ended Working Group was established to consider means of implementing the recommendations of the World Conference, including the establishment of a High Commissioner for Human Rights. The Working Group began its work in November 1993 under the chairmanship of Mr. José Ayala-Lasso, Permanent Representative of Ecuador.[17]

15. After intense negotiations lasting several weeks, the Working Group was able to reach a consensus and present a draft resolution to the Third Committee, which approved it without amendment. On 20 December 1993, the General Assembly adopted, without a vote, resolution 48/141, creating the post of United Nations High Commissioner for Human Rights and putting an end to almost 50 years of alternate hope and disappointment. The importance of achieving a consensus resolution should be emphasized. The creation of the post by unanimous approval of the General Assembly en-

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[16] Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, Vienna, 25 June 1993 (A/CONF.157/24 (Part I), chap. III), para II, paras. 17-18.

[17] The Third Committee's summary records state:

> "101. *The CHAIRMAN* proposed that the Third Committee should establish an open-ended working group with the task of considering, as a matter of priority, the question of establishing the post of a High Commissioner for Human Rights. The working group would hold its first meeting on 15 November, would conclude its work at the end of the current session of the Committee and would subsequently consider other aspects of applying the recommendations of the Vienna Declaration and Programme of Action. The working group would be chaired by Mr. José Ayala-Lasso, Permanent Representative of Ecuador. . . .
>
> "102. *It was so decided.*"

(A/C.3/48/SR.32, paras. 101-102.) See also A/48/632/Add.4.

dowed the institution of High Commissioner with a high degree of moral authority, necessary to implement its difficult mandate.

IV. Resolution 48/141

16. General Assembly Resolution 48/141 (see annex) was the result of compromise. As such, it is not a text containing a careful and precise delineation of powers, functions and actions. However,

> [One wonders whether this] is a disadvantage at all. For the post of a High Commissioner was to be created for the first time, without any larger international comparative experience. Perhaps an attempt to define his or her mandate very precisely, if possible at all, would have led to a counter-productive limitation of his or her activity.

After a long and complex preamble,[18] the resolution defines the conditions of the appointment, status and mandate of the High Commissioner.

A. Appointment of the High Commissioner

17. The High Commissioner is appointed by the Secretary-General of the United Nations, with due regard to geographical rotation, the choice being made on the basis of the criteria set out in paragraph 2 (*a*) of resolution 48/141, which states that he or she shall:

> Be a person of high moral standing and personal integrity and shall possess expertise, including in the field of human rights, and the general knowledge and understanding of diverse cultures necessary for impartial, objective, non-selective and effective performance of the duties of the High Commissioner. . .

18. The choice of the Secretary-General must be submitted to the General Assembly for approval (resolution 48/141, para. 2 (b). The reason for this provision is twofold. On the one hand, the competence of the General As-

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[18] The preamble refers, *inter alia*, to: the General Assembly's commitment to the purposes and principles of the Charter of the United Nations; the need to observe international human rights standards; the right to development; the promotion and protection of all human rights as one of the priorities of the international community; the principles of impartiality, objectivity and non-selectivity and the spirit of constructive international cooperation as the framework for the promotion and protection of all human rights; the principle that human rights are universal, indivisible, interdependent and interrelated; the General Assembly's commitment to the Vienna Declaration and Programme of Action; the Assembly's determination to reform the existing mechanisms in the field of human rights and its recognition of the need to rationalize and enhance the activities of the United Nations in this field; the responsibility of the General Assembly, the Economic and Social Council and the Commission on Human Rights for decision- and policy-making in the field of human rights; and the necessity for continued adaptation of United Nations machinery to current and future needs in the field of human rights.

sembly ensures the influence of United Nations Member States on the selection, since it is unlikely that the Secretary-General would nominate a person without being convinced of the General Assembly's approval. Secondly, the approval of the appointment by the General Assembly provides the High Commissioner with appropriate legitimacy and status.

19. The High Commissioner is appointed for a fixed term of four years, with the possibility of one renewal (resolution 48/141, para. 2 (*b*)).

20. On 31 January 1994, the Secretary-General appointed Mr. José Ayala-Lasso of Ecuador as the first United Nations High Commissioner for Human Rights. By its decision 48/321 of 14 February 1994, the General Assembly approved the appointment by consensus. On 5 April 1994, the High Commissioner took up his duties in Geneva.

B. Status of the High Commissioner

21. The rank of the High Commissioner is that of Under-Secretary-General. His action is determined by the framework defined in paragraph 3 of resolution 48/141, which states that he shall:

> (*a*) Function within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights, other international instruments of human rights and international law, including the obligations, within this framework, to respect the sovereignty, territorial integrity and domestic jurisdiction of States and to promote the universal respect for and observance of all human rights, in the recognition that, in the framework of the purposes and principles of the Charter, the promotion and protection of all human rights is a legitimate concern of the international community;
>
> (*b*) Be guided by the recognition that all human rights—civil, cultural, economic, political and social—are universal, indivisible, interdependent and interrelated and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;
>
> (*c*) Recognize the importance of promoting a balanced and sustainable development for all people and of ensuring realization of the right to development, as established in the Declaration on the Right to Development.

22. The High Commissioner's status within the United Nations structure is defined in paragraph 4 of resolution 48/141, which states that he is "the United Nations official with principal responsibility for United Nations human rights activities". His sphere of action is, nevertheless, placed "under the direction and authority of the Secretary-General" and "within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights". The High Commissioner's relation to these organs is reciprocal. The High Commissioner shares the limits of these organizations and is obliged to carry out tasks assigned to him by them. At the same time, he

makes recommendations to these bodies for the purpose of improving the promotion and protection of all human rights.

C. Mandate of the High Commissioner

23. Resolution 48/141 establishes the general competence of the High Commissioner as the principal United Nations official in the field of human rights, but also (paragraph 4) lists specific responsibilities, which may be classified in four main groups, as follows:

(*a*) **Promotion and protection of all human rights:** promoting and protecting the effective enjoyment by all of all civil, cultural, economic, political and social rights; promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system for this purpose; providing, through the Centre for Human Rights of the Secretariat and other appropriate institutions, advisory services and technical assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights; coordinating relevant United Nations education and public information programmes in the field of human rights;

(*b*) **International cooperation for the promotion and protection of human rights:** enhancing international cooperation for the promotion and protection of all human rights; coordinating the human rights promotion and protection activities throughout the United Nations system;

(*c*) **Reaction to situations challenging human rights:** an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights; preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action; engaging in a dialogue with all Governments in the implementation of his mandate with a view to securing respect for all human rights;

(*d*) **Adaptation of the United Nations human rights machinery to the evolving needs:** rationalization, adaptation, and strengthening of the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness; carrying out overall supervision of the Centre for Human Rights.

24. A strong tendency towards consensus had an evident impact on the list of specific responsibilities laid down in paragraph 4 of resolution 48/141, and on the language used. These responsibilities represent a balance of interests and expectations. However, the list must be interpreted against the background of the High Commissioner's overall mandate as the principal United Nations official in the field of human rights responsible for their promotion

and protection. The list is not exhaustive and, in some places, is somewhat general. Nothing prevents the High Commissioner from taking action not explicitly mentioned in paragraph 4, provided it remains within his overall mandate. The function of the list of responsibilities is first and foremost to identify areas which, from the point of view of the General Assembly, must be addressed by the High Commissioner in his activities. This interpretation has been confirmed in numerous resolutions of the General Assembly and the Commission on Human Rights, which have assigned a number of additional specific mandates to the High Commissioner.[19]

25. Analysis of the text of resolution 48/141 makes it clear that the General Assembly did not accept earlier concepts of an international Attorney General or universal ombudsman. The High Commissioner does not replace investigative bodies or examine all complaints regarding individual violations of human rights. He is expected to promote human rights worldwide, act against obstacles to the realization of human rights, and prevent human rights violations from occurring or continuing. He is perceived as a "facilitator" of human rights protection rather than as an "executor". He is expected to adopt an approach based on persuasion but, if necessary, he should not (and this has been his practical experience[20]) refrain from alerting the international community and otherwise responding to difficult human rights situations. At the same time, he should contribute to international cooperation regarding human rights as the fundamental framework and tool for their promotion and protection. This integrated approach promises the best possible results. A vigorous dialogue between the High Commissioner and Governments, international and regional organizations, national human rights institutions and non-governmental organizations, as well as other elements of civil society, the development of the United Nations programme of advisory services and technical cooperation, and an increasing field presence have placed the High Commissioner at the centre of efforts by the international community to make human rights a reality.

26. Resolution 48/141 attaches great importance to the perception of all human rights—civil, cultural, economic, political and social—as universal, indivisible, interdependent and interrelated. It also refers to the right to development (para. 4 (*c*)), the promotion and realization of which are a special responsibility of the High Commissioner. This provision should be interpreted in the context of the Vienna Declaration and Programme of Action[21] (part I, para. 8), which places the international promotion and protection of

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[19] See part three below.

[20] For further information, see the report of the High Commissioner to the General Assembly (*Official Records of the General Assembly, Fiftieth Session, Supplement No. 36* (A/50/36)).

[21] See footnote 16 above.

human rights within the framework of the relationship between mutually reinforced democracy, development and human rights.

27. During the preparatory process for resolution 48/141, some support was given to the possibility of the High Commissioner directly addressing the Security Council, to ensure that human rights components would be present in action based on the Council's decisions, and to improve the effectiveness of preventive and responsive action in the field of human rights. On the part of some Member States, however, there was resistance to associating the High Commissioner with the Security Council. Some considered human rights to be outside the competence of the Council as laid down in the Charter. Finally, no reference to the Security Council was made in resolution 48/141. Again, some see this as a weak point of the resolution, although it has been moderated by the Council itself on some occasions directly or indirectly referring to the mandate of the High Commissioner. One recent example is Security Council resolution 1036 (1996) of 12 January 1996.[22]

28. Responsibilities relating to the United Nations human rights machinery have a prominent place in the High Commissioner's mandate. This is not surprising, since creation of the post of High Commissioner for Human Rights was proposed in the Vienna Declaration and Programme of Action as a measure of "adaptation and strengthening of the United Nations machinery for human rights" (see para. 13 above). Although support for a reform of this machinery was widely shared during the World Conference on Human Rights, the issue has remained politically sensitive. The High Commissioner is a catalyst in the relevant processes, assisting human rights organs and bodies but declaring, since taking up his duties, that it is not his intention either to replace or to duplicate existing mechanisms. In Mr. Ayala-Lasso's view, the adjustment of a given organ or body to new needs is primarily the responsibility of that organ.[23] He has also stressed that:

> ... The adaptation of the machinery is a multidimensional and continuing process in the framework of which reforms relating to specific organs or procedures are placed against the background of the overall adaptation of the United Nations human rights machinery. New solutions should be introduced gradually, taking into account the need for and the possibility of change. ...[24]

29. The reform (restructuring) of the United Nations Centre for Human Rights and its adaptation to evolving needs is not only part of the overall reform of the Organization's human rights machinery, but should also provide that machinery with new tools. The High Commissioner has identified this as one of his priorities.

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[22] See also the report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1996/5).

[23] Report of the High Commissioner to the Economic and Social Council (E/1995/112), para. 51.

[24] Ibid., para. 49.

30. The modalities of the High Commissioner's action are not formally delimited. In this respect, he has a general power of initiative such that:

> . . . The mode of action, e.g. whether public or confidential, whether including missions on the spot, establishment of a monitoring system, offering good offices or not, lies within his discretion and should depend on his evaluation of which option would be most efficient.

Since the beginning of his mandate, Mr. Ayala-Lasso has taken advantage of this leeway by modifying his action according to the specific circumstances of every situation.

V. Conclusions

31. The General Assembly resolution establishing the post of United Nations High Commissioner for Human Rights was a result of a broad-based compromise, achieved in the context of the 1993 World Conference on Human Rights in Vienna. Although probably few people would have predicted its approval before the end of the Assembly's forty-eighth session, this decision is often considered one of the major achievements of the World Conference. The consensus which finally dominated the debate has provided a strong basis for the new institution. Since the stipulations of the resolution are often general, the real position of the High Commissioner is still being defined through his action. Examples of the implementation of the High Commissioner's mandate are: bilateral and multilateral diplomacy; cooperation within and outside the United Nations system, including with international and regional organizations, national human rights institutions and non-governmental organizations; preventive and responsive human rights diplomacy; technical cooperation and advisory services for countries in transition; and establishment of a human rights presence in various parts of the world.

32. Resolution 48/141 expressed a real desire of the international community to endorse efficient and effective action in the field of human rights. In his report to the General Assembly at its fiftieth session, the High Commissioner stated:

> The success of the activities of the human rights programme and of the High Commissioner in the future will depend upon the support and understanding of the international community and on the cooperation received from Governments, international organizations, non-governmental organizations and people throughout the world. This must include adequate human and financial resources for the implementation of the Vienna Declaration and Programme of Action, the activities of the High Commissioner and the Centre for Human Rights. That support will help in responding to the hopes and expectations generated by the World Conference on Human Rights and the establishment of the post of High Commissioner for Human Rights and in promoting international peace and security and better standards of life in larger freedom as embodied in the Charter of the United Nations (A/50/36, para. 107.).

Since "promotion and protection of human rights" means dignity and freedom for us all and for the children of the future, no price can be considered too high to ensure the realization of those rights.

Part Two

The United Nations High Commissioner for Human Rights—in his own words

I. Introduction

On the recommendation of the World Conference on Human Rights, held at Vienna in June 1993 (see para. 13 above), the General Assembly, at its forty-eighth session, considered the question of the establishment of the post of High Commissioner for Human Rights—the United Nations official with principal responsibility for United Nations human rights activities. On 20 December 1993, the General Assembly adopted, without a vote, resolution 48/141 (see annex), creating the post of High Commissioner. By its decision 48/321 of 14 February 1994, the General Assembly approved, by consensus, the appointment by the Secretary-General of Mr. José Ayala-Lasso of Ecuador as first High Commissioner. Mr. Ayala-Lasso took up his duties on 5 April 1994.

The Office of the High Commissioner, pursuant to resolution 48/141, is located in Geneva. A liaison office operates in New York. The Office of the High Commissioner currently has a staff—in addition to that of the Centre for Human Rights—of seven professionals, including four senior advisers, who deal with geographically and thematically defined matters and assist the High Commissioner in his various tasks (identification of policies and policy guidelines; cooperation with Governments; preparation of statements and reports; participation in public events; relations with the media; etc.).

II. Promotion and protection of human rights

Q. *One of the High Commissioner's responsibilities, as stipulated by General Assembly resolution 48/141, is the enhancement of international*

cooperation regarding human rights.[25] *Mr. Ayala-Lasso, why is so much importance attached to international cooperation in this area?*

A. The United Nations human rights programme itself, like any other United Nations programme, is a result of the international cooperation which is necessary for its elaboration and implementation. But the promotion and protection of universal human rights in a culturally, politically and economically diversified world require particularly effective interaction among all actors involved. It was not by chance that the founders of the United Nations identified as one of the purposes of the Organization the achievement of "international cooperation... in promoting and encouraging respect for human rights and for fundamental freedoms for all".[26]

Coordinated action can achieve better results through the division of tasks, the sharing of responsibilities and the integration of financial and human resources. The World Conference on Human Rights clearly recognized

The promotion and protection of human rights is a legitimate concern of the international community

this conditionality. The international cooperation should be guided, *inter alia,* by the following fundamental principles: (*a*) the primary responsibility for the promotion and protection of human rights rests with Governments; (*b*) the promotion and protection of all human rights is a legitimate concern of the international community; (*c*) the international community should foster processes designed to achieve a better implementation of human rights and the strengthening of democracy and the rule of law, as well as take all necessary measures to prevent human rights abuses and eradicate the gravest human rights violations; (*d*) the interdependence between democracy, development and respect for human rights, underlined by the World Conference, offers the prospect of harmonious national and international action.

With whom, in addition to Governments, does the United Nations human rights programme need to cooperate to achieve its goals?

—Cooperation is needed and is being developed with all bodies, organs, institutions, groups and individuals that are concerned with human rights. International cooperation has already been achieved in many cases (support for operations in Rwanda, Burundi, Bosnia and Herzegovina, etc.) and with

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[25] "... The High Commissioner's responsibilities shall be:

"...

"(*h*) To enhance international cooperation for the promotion and protection of human rights;"

(Resolution 48/141, para. 4 (*h*).)

[26] See footnote 1 above.

many different partners (the European Union, the Council of Europe, the Organization of American States, the Organization of African Unity, the Organization for Security and Cooperation in Europe, the Council of the Baltic States). National human rights institutions, non-governmental organizations and academic institutions are considered natural partners of the High Commissioner, and I meet regularly with their representatives. Dialogue, in fact, is indispensable to improve communication among all those involved in human rights activities: only knowledge of spheres of action and programmes, of respective duties and responsibilities, can promote effective cooperation.

The General Assembly attached particular importance to your dialogue with Governments.[27]

—A United Nations organ or body can in no way replace Governments in their difficult task of ensuring the enjoyment of all human rights for all people in their territory. Nevertheless, it is important that Governments have at their disposal all the instruments provided by the international community

The primary responsibility for the promotion and protection of human rights rests with Governments: the United Nations human rights programme supports them

which can help them to achieve better protection of human rights. Dialogue with Governments, therefore, as an open channel of communication, enables the High Commissioner to discuss problems related to the international promotion and protection of human rights and to offer, where necessary and when requested, advisory services and technical cooperation, including financial assistance, training of public officials, etc. However, the purpose of dialogue with Governments is also to draw the attention of national authorities to human rights problems occurring in their countries. The resolution of the General Assembly points out that the dialogue should aim at "securing respect for all human rights".

What has been done to encourage this dialogue?

—Following invitations, I am visiting countries of all regions. Visits have already been made to: Switzerland, as host country, Australia, Austria, Bhutan, Bosnia and Herzegovina, Burundi, Cambodia, Canada, Colombia, Costa

[27] "... the High Commissioner's responsibilities shall be:

"...

"(*g*) To engage in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights;"
(Resolution 48/141, para. 4 (*g*).)

Rica, Croatia, Cuba, Denmark, Estonia, Finland, Gabon, Germany, the Holy See, India, Indonesia, Italy, Japan, Latvia, Lithuania, Malawi, Nepal, Norway, Panama, the Republic of Korea, Rwanda, Spain, Sweden, Tunisia, the Federal Republic of Yugoslavia and the United States of America. In the

There is always room to improve human rights records

framework of these visits, I have the opportunity to meet the highest State authorities to discuss issues concerning the whole extent of my mandate, including ratification of human rights instruments and the strengthening of their implementation; human rights education; implementation of economic, social and cultural rights and of the right to development; promotion and protection of the rights to vulnerable groups; and prevention of and response to situations of grave human rights violations. The purpose of my visits is also to deal with human rights areas which pose problems for the country concerned. Human rights diplomacy should facilitate the resolution of such problems. In addition to representatives of Governments, parliaments and the judiciary, I also meet during my visits with representatives of civil society, including minorities, indigenous people, religious and cultural communities, national human rights institutions, non-governmental organizations and academic institutions.

Another responsibility of the High Commissioner is to contribute to achieving the full realization of all human rights, which is usually called "implementation of human rights".[28] *What is meant by this expression?*

—Generally, the process of implementation of human rights is the passage from norms to practice. Human rights, the promotion of which has been continually advanced by the elaboration of new legal instruments and treaties, must be effectively applied worldwide. The adoption of domestic legislation consistent with international standards is of paramount importance—but it is still necessary to apply that legislation in practice. The final goal in the implementation of human rights is the improvement of the human rights situation in all countries: there is always room to improve current situations.

What are the means used in such a complex process?

—Universal ratification of human rights treaties is considered a high priority in this process. The General Assembly, the Commission on Human Rights,

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[28] ". . . the High Commissioner's responsibilities shall be:

". . .

"(*f*) To play an active role in . . . meeting the challenges to the full realization of all human rights . . .;"
(Resolution 48/141, para. 4 (*f*).)

the human rights treaty-based bodies, country and thematic special rapporteurs and working groups—generally speaking, the international human rights machinery—focus on the implementation of human rights worldwide. The Commission on Human Rights, particularly, regularly addresses Governments in order to achieve better cooperation in giving effect to recommendations addressed to them by different bodies. Treaty bodies, based on six human rights conventions, among others, monitor compliance by States with their human rights obligations and some of them are also charged with the protection of individuals in the framework of optional communications procedures.

As High Commissioner, I assist the Commission and its various mechanisms, and other relevant parts of the United Nations human rights machinery, as well as Governments, in establishing and developing mutual working contacts. It must be firmly stressed, however, that my presence in a country does not replace missions and other activities of competent mechanisms of the United Nations, in particular visits by special rapporteurs and representatives of the Commission or experts of treaty bodies. Let me also emphasize that the implementation of human rights has to be fostered by unimpeded cooperation of individuals and groups with the United Nations and its human rights machinery. Yet even a very sophisticated international machinery will not be able to ensure the implementation of human rights if we fail to build a universal culture of these rights. Accordingly, in discussing the methods of giving effect to international standards, we must not forget the fundamental role of education and information, as well as technical cooperation and advisory services, in the promotion and protection of human rights.

Under resolution 48/141, the High Commissioner is charged with the obligation to act against human rights violations.[29] *What practical approach in this regard have you developed during your first two years in office?*

—Action taken in this context can be categorized in three groups, according to whether it is aimed at: (*a*) preventing an outbreak; (*b*) putting a halt to human rights violations; or (*c*) supporting countries in their transition to democracy.

Preventive results can be achieved through diplomacy, through a moderating involvement of the international community (as has been the case in

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[29] "... The High Commissioner's responsibilities shall be:

"...

"(*f*) To play an active role in removing the current obstacles ... to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action;"
(Resolution 48/141, para. 4 (*f*).)

Rwanda, Nigeria and elsewhere), through an offer of technical cooperation to Governments and societies concerned, or through the deployment of a field presence, including the opening of human rights offices, with a view to following human rights developments and offering confidence-building measures. The same means can be used when a situation has already degenerated into a dangerous one which requires responsive action (''preventing the continuation of human rights violations throughout the world'', in the words of the resolution). Technical cooperation supports the rule of law, strengthens civil society, provides human rights education and training, and in this way not only prevents a deterioration of the human rights situation, but also opens avenues leading to its improvement. In the case of countries which have previously experienced difficult human rights problems, but where the situation has already developed towards normalization—this describes conditions prevailing in countries undergoing a so-called ''transition to democracy''—our involvement focuses on technical cooperation and advisory services.

How would you summarize your experience with regard to action in these three categories?

—It is obvious that preventive policy can save lives and avert human suffering. Moreover, it may also prove to be more effective and cost-efficient than any other action. The major objective of preventing violations from occurring or of putting a halt to them may be accomplished by simultaneous monitoring of the human rights situation, strengthening of national capacities in the field of human rights, confidence-building measures, and development of civil society and a human rights culture. An effective early-warning system can play an important role. However, this requires an efficient net of information connecting the United Nations human rights programme and agencies, Governments and non-governmental organizations. Both preventive and responsive action necessitate adaptation of the United Nations human rights infrastructure and adequate resources, so that prompt and comprehensive measures may be taken. Cooperation to that end is being intensively developed.

To ensure assistance to countries in transition to democracy, emphasis must be placed on three major objectives: (*a*) the elaboration of national human rights programmes; (*b*) the development of a technical cooperation programme able to respond to the needs of these countries; (*c*) the strengthening of the related United Nations infrastructure. Special attention must be paid, during processes of transition, to avoiding any neglect of social rights in favour of economic necessity and development. Too often, basic rights such as the rights to health, food, shelter and education receive insufficient protection and the victims are frequently women and children.

Although I have been in office for only two years, some experience in addressing human rights situations has already been gained. Activities de-

veloped in the context of the human rights situation in Burundi provide an example of preventive action. My third visit to Burundi in 12 months took place in March 1995 and followed my emergency message addressed on 17 February 1995 to the Commission on Human Rights at its fifty-first session, in which I called for all necessary measures to be taken to prevent the situation in the country from deteriorating in a way similar to the tragedy in neighbouring Rwanda. The Commission on Human Rights, in its resolution 1995/90, created the post of special rapporteur on the situation of human rights in Burundi and expressed its conviction concerning the need further to increase preventive action, in particular through the presence of human rights experts and observers throughout the country. Professor Pinheiro of Brazil, the Special Rapporteur, undertook two missions to Burundi in 1995 and 1996. In his first report, submitted to the Commission at its fifty-second session, the Special Rapporteur clearly indicated that the situation in the country continued to deteriorate significantly and that a smouldering civil war was spreading. At that session, the Commission held a special meeting on Burundi in order to focus attention on the dramatic human rights situation prevalent there. I myself chaired a round-table discussion to address the situation in Burundi with the participation and contributions of representatives of Member States, non-governmental organizations and United Nations agencies, as well as former United States President Jimmy Carter. The Commission reiterated the position it had taken in 1995 and urged my Office to increase immediately the number of human rights observers dispatched to Burundi.

In June 1994, I established an office in Bujumbura to implement a broad technical cooperation programme. In May 1996, I sent an observation mission of five human rights officers to Burundi to undertake an in-depth study of the situation and determine the extent to which one could envisage deploying an increased number of human rights observers throughout the country and establishing regional offices outside the capital.

An example of an immediate responsive action is provided by the operation in Rwanda launched in 1994. We established a strong human rights presence there in an attempt to check the development of a dramatic situation. Today, the human rights field operation provides assistance to the authorities and civil society in Rwanda, supports the work of the Special Rapporteur in the fulfilment of his mandate, and works in close cooperation with the International Tribunal for Rwanda with respect to investigations on genocide. Currently, some 115 personnel are deployed throughout the country.

The European Union has supported both operations, in Rwanda and in Burundi, by providing a considerable number of human rights officers as well as financial resources.

Examples of cooperation with countries in transition to democracy are provided by the programmes for Malawi, Cambodia, Haiti and some countries of Eastern and Central Europe.

The conflict in the territories of the Former Yugoslavia called for multifaceted international action . . .

—Undoubtedly. The United Nations human rights programme has continued its activities relating to human rights aspects of the situation in the territories of the former Yugoslavia, begun in 1992. During this time, 20 comprehensive reports of the Special Rapporteur appointed by the Commission on Human Rights have been issued. The human rights field operation supports the Special Rapporteur and the expert on missing persons through its local offices in Zagreb, Mostar, Skopje and Sarajevo, and recently established offices in Banja Luka, Belgrade (Federal Republic of Yugoslavia) and Erdut (Eastern Slavonia in Croatia).

In a letter addressed to the parties attending the Dayton peace negotiations for Bosnia and Herzegovina in November 1995, I stressed the need for human rights to constitute a pillar of the reconstruction effort in Bosnia and Herzegovina and to become a building block in the foundations of the new social structure that would emerge after the conflict in the former Yugoslavia. The basic role of a human rights component in the peace implementation process was accepted by all parties. The Dayton Peace Agreement invited the Commission on Human Rights, the Organization for Security and Cooperation in Europe (OSCE) and myself, *inter alia*, to monitor closely the human rights situation in Bosnia and Herzegovina.[30]

At the London Peace Implementation Conference, on 8-9 December 1995, I declared my willingness to participate in the peace implementation process in three ways: (*a*) by providing human rights training for international personnel; (*b*) by making available to the High Representative charged with the civilian aspects of the operation a limited number of human rights experts to assist in addressing complex human rights situations; (*c*) by supporting the work of the Special Rapporteur and the expert on missing persons.

This programme is now being implemented. Training for about 2,300 members of the international civilian police (IPTF) began on 15 January and for about 250 OSCE monitors on 13 February 1996. Human rights training for international personnel is widely acknowledged as a key to the effective implementation of the Dayton Agreement. Human rights experts made available to the High Representative are mobile and ready to provide advice and

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[30] General Framework Agreement for Peace in Bosnia and Herzegovina (see A/50/790-S/1995/999), annex 6 (Agreement on Human Rights), art. XIII, para. 2.

supportive analysis to international monitors, including members of the OSCE and IPTF missions.

This example illustrates the relationship between growing mandates in the field of human rights and the need for adequate resources. The entire human rights programme for Bosnia and Herzegovina, as for other countries of the region, requires voluntary funds. Without them, its implementation will be at risk, since the United Nations regular budget does not provide the necessary resources.

In May 1996, I visited Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia. Meetings with heads of State, Prime Ministers and other high representatives of the State authorities, various international organizations active in the field, non-governmental organizations and academic institutions provided an opportunity to review human rights developments and discuss the role of lasting peace in the region. I also reviewed the performance of the human rights field operation.

You have referred several times to technical cooperation, which is considered by the Vienna Declaration and Programme of Action to be one of the most important tools in the promotion and protection of human rights. What is your understanding of technical cooperation?[31]

—In the framework of technical cooperation, assistance is being provided to countries, at their request, primarily in relation to: preparation and implementation of national plans of action for human rights; constitutional reforms and review of legislation in line with international human rights standards; development of national capacities which have a direct impact on the overall observance of human rights, including the establishment and strengthening of national institutions serving human rights, democracy and the rule of law; training of relevant professions, such as judges and lawyers, teachers, police officers and prison administrators; broadly conceived human rights education and information; ratification of or accession to international human rights instruments and the fulfilment of States' reporting obligations; developing NGOs and civil society; and training of international civil servants.

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[31] "... the High Commissioner's responsibilities shall be:

"...

"(*d*) To provide, through the Centre for Human Rights of the Secretariat and other appropriate institutions, advisory services and technical and financial assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights;"
(Resolution 48/141, para. 4 (*d*).)

From this list of activities it would appear that the programme occupies a central place in the work of your Office. Is this the case?

—Indeed, the technical cooperation programme, through its multidimensional character, has an essential place in the promotion and protection of human rights, as well as in the prevention of human rights violations. This is ultimately one of the potentially most effective means of securing in practice a greater respect for human rights. The importance of developing and building national institutions relating to human rights, strengthening a pluralistic society and protecting groups which have been rendered vulnerable is beyond doubt. The remarkable increase in the number of technical cooperation projects over the past few years can also be considered proof of the significance of technical assistance. Currently, 41 projects are being carried out in different regions of the world (Burundi, Haiti, Malawi, Romania, Rwanda, etc.). It is essential, therefore, that the capacity for providing technical cooperation be increased.

The programme is being reinforced, *inter alia,* by a newly enhanced partnership with relevant human rights institutions and non-governmental organizations, envisaging their active participation in its implementation. Technical cooperation, however, depends directly on the resources available.

Voluntary Fund for Technical Cooperation in the Field of Human Rights: one of the best investments the international community can make

We should not forget that funds spent on this programme represent an investment in development, democracy and human rights worldwide. This is one of the best investments possible, and it is from this perspective also that contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights should be seen.

In the speech you delivered to the General Assembly on the day of your nomination, you declared: "I shall place special emphasis on human rights education and information. Each of us can become a high commissioner to promote and protect our own human rights and those of others." Is this still your goal?[32]

—Creating a universal culture of human rights is an essential element in a long-term strategy to ensure respect for human rights: to be able to protect

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32 ". . . the High Commissioner's responsibilities shall be:

". . .

"(*e*) To coordinate relevant United Nations education and public information programmes in the field of human rights;"
(Resolution 48/141, para. 4 (*e*).)

them, everyone must be aware of what his or her human rights are. This is vital for the encouragement of harmonious intercommunity relations and understanding and, finally, for peace. Through education, people can achieve the intellectual freedom necessary to understand what is right and what is wrong. Correct and timely information can provide them with the tools to understand and interpret specific situations which demand decisions. Education and information are closely intertwined: information is a vehicle for education to be applied in action—but without education no information can be adequately interpreted.

How can the promotion of education and the dissemination of information on human rights be most effectively achieved?

—The United Nations Decade for Human Rights Education (1995-2004), proclaimed by the General Assembly in 1994[33] pursuant to recommendations made by the World Conference on Human Rights, should promote and streamline activities of the international community in the field of human rights education. I was requested by the General Assembly to coordinate the implementation of the Plan of Action for the Decade. The Office of the High Commissioner/Centre for Human Rights, in cooperation with UNESCO and other relevant agencies and bodies, is assisting Member States in the development of specific programmes and strategies, at the international and national levels, for ensuring human rights education for all. Our human rights

There is no use for information without education

publications programme has an important place in educational activities. Priority has been given to publications for use in technical cooperation projects, such as specialized manuals for the training of police, lawyers and judges, election officials and social workers. We also offer courses, information and special training materials for the training of international human rights officers. Recently, such courses have been given to the international civilian police (IPTF) and the OSCE human rights monitors in Bosnia and Herzegovina.

Information on human rights is being disseminated with the help of both traditional techniques and modern technologies. Our publications programme, which includes easily accessible information as to how anyone can act to protect his or her own rights and the rights of others, assists Governments, national human rights institutions, NGOs and individuals. A human rights database will be made accessible to all those who need information on human rights and on United Nations human rights activities. To that end also, information on the human rights programme will be made available through the Internet.

[33] See General Assembly resolution 49/184 of 23 December 1994.

III. Thematic issues

Although, in the resolution defining your mandate, the responsibility of the High Commissioner for the promotion and protection of all human rights is clearly stated, the text specifically calls for attention regarding the right to development and economic, social and cultural rights.[34] *Why are these rights considered so important and what is being done to ensure their universal enjoyment?*

—To answer the first part of the question, let me quote a passage from the 1992 report of the Secretary-General that, I believe, clearly shows the importance of these rights: ''Respect for human rights is clearly important in order

Human rights and development: the antithesis of both is war

to maintain international peace and security and to achieve social and economic development. In turn, without development, long-term enjoyment of human rights and democracy will prove illusory, and war, of course, is the antithesis of both.''[35] In addition, economic, social and cultural rights were, for a long time—even longer in the case of the right to development—perceived by many as rights of ''secondary'' rank in comparison with civil and political rights and freedoms. One can understand that highlighting the right to development and economic, social and cultural rights should contribute to equal value being attached to all categories of rights.

As for their implementation, it is crucial to adopt a long-term strategy in this area that will guide action throughout the United Nations system. A framework for this exercise is provided by the Vienna Declaration and Programme of Action, the final documents of the World Summit for Social Development, the Fourth World Conference on Women and the 1996 United Nations Conference on Human Settlements (Habitat II), and the Secretary-General's Agenda for Development. This strategy should incorporate: (*a*) measures related to the coordinated activities of the United Nations hu-

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[34] ''. . . the High Commissioner's responsibilities shall be:

''(*a*) To promote and protect the effective enjoyment by all of . . . cultural, economic . . . and social rights;

''. . .

''(*c*) To promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose;''
(Resolution 48/141, para. 4 (*a*) and (*c*).)

[35] *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 1* (A/47/1), para. 109.

man rights machinery and its cooperation with other parts of the system, including international financial organizations and the regional economic commissions; (*b*) identification of activities necessary to promote the right to development and economic, social and cultural rights at the international and domestic levels, including pilot projects; (*c*) cooperation with regional international organizations, NGOs and grass-roots organizations active in development and human rights.

It is worth mentioning that the debate on the right to development increasingly focuses on substantive issues. The functions of this right, to which the World Conference on Human Rights attached great importance, are becoming better identified and its impact on other rights more widely recognized. At its fifty-second session, the Commission on Human Rights was able to adopt a resolution on the right to development by consensus (resolution 1996/15). This will provide a better foundation for the intergovernmental working group of experts to be established in accordance with that resolution in order to elaborate a strategy for the implementation and promotion of the right to development.

It is vital to move from theoretical and political discussions to practical measures. States should look for concepts and solutions which would allow the benefits resulting from sustainable development to be granted directly to the members of their societies. This translation of the right to development to the domestic level is the current challenge. The concept of the right to development should help us in combating social, economic and political exclusion and alienation. Participation in development should also be a vehicle for the individual to identify with the community in which he or she lives. To achieve these goals, however, it is indispensable that the right to development be placed in the context of the famous ''triad'' proclaimed by the World Conference, namely democracy, development and respect for human rights.

In July 1996, in New York, I arranged a meeting with the Executive Secretaries of the United Nations regional economic commissions in order to discuss how the United Nations human rights programme and the work of the regional commissions could be mutually reinforcing in order effectively to promote the implementation of the right to development. The same month, at a workshop in Washington, D.C., the World Bank and the Office of the High Commissioner/Centre for Human Rights began a dialogue on human rights and sustainable development in the context of cooperation between the two institutions. These are only examples of the broader programme of my Office aimed at giving the right to development a practical dimension and supporting economic, social and cultural rights.

An area of intense activity for a High Commissioner for Human Rights must be the struggle for the elimination of racism, racial discrimination, xenophobia and intolerance, and the protection of so-called vulnerable groups?[36]

—The eradication of racism, racial discrimination, xenophobia, so-called "ethnic cleansing" and religious and other forms of intolerance requires concerted efforts by the entire international community: Governments, United Nations programmes and agencies, national human rights institutions, and regional and non-governmental organizations. International norms and rules provide a useful tool for preventing and combating discrimination.

Equality does not mean conformism

National legislation should be guided by them. However, legislation against racial discrimination is insufficient to prevent violations of human rights in this area. Appropriate education and the creation of a climate of tolerance and understanding between different communities can have a significant impact on combating discrimination. It needs to be perceived by all members of society that different cultures constitute the common heritage of all: cultural multiplicity should be seen as a means of enriching human values and strengthening human rights standards, not as an obstacle to the universality of those rights. Institutional arrangements which could enhance inter-group understanding, with the participation of vulnerable groups, should be promoted. Experience with existing "community-relations commissions" in various countries has proved that they can contribute to the prevention of conflicts and, when required, have a positive impact on their resolution.

The Third Decade to Combat Racism and Racial Discrimination (1993-2003)[37] provides the framework for international action to eliminate racism and racial discrimination.

Voices concerned by gender discrimination continue to be raised all over the world. Is this question high on the agenda of the human rights programme?

—The struggle in the United Nations for women's equality began when Eleanor Roosevelt, at the first General Assembly, launched her historic ap-

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[36] ". . . the High Commissioner's responsibilities shall be:

"(*a*) To promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights;"

(Resolution 48/141, para. 4 (*a*).)

[37] See General Assembly resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994.

peal to all women and requested Governments to end all forms of discrimination against women and amend their constitutions in order to grant women full and equal rights. Although significant results have been achieved, 50 years later the struggle is far from won. The international community is continually concerned by gender-based violence and violations of human rights such as sex slavery, prostitution, pornography and trafficking in women and girls, as well as other forms of sexual violence, including rape and genital mutilation.

Major problems persist also in the areas of employment and education. Calls for wider equality have come from conferences, meetings, United Nations organs and bodies, Governments and non-governmental organizations. In the Vienna Declaration and Programme of Action[38] and in the final document of the Fourth World Conference on Women,[39] the international community reaffirmed that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights.

Let me stress that, at the very outset of my mandate, I declared my intention to attach the highest importance to the status of women and the rights of women as human rights. Our technical cooperation programme has these issues among its priorities. The Office of the High Commissioner/Centre for Human Rights was also very active during the preparations for the Fourth World Conference on Women and at the Conference itself in Beijing. We submitted an analysis of the preparatory documents for the Conference from the point of view of international human rights standards to the Secretary-General and Organizing Committee of the Conference. The Platform for Action adopted by the Conference reaffirmed the fundamental value of women's rights.

In the framework of the celebrations for the fiftieth anniversary of the United Nations, I invited eminent specialists and high-level representatives of the international community to a panel discussion on the topic "Women's rights as human rights", which was held in New York in October 1995. At this discussion, it was stressed, *inter alia*, that the Vienna Declaration and Programme of Action and the Beijing Platform for Action coincided and thus called for coordinated and coherent efforts.

A great deal of work remains to be done. Problems relating to the equal status and rights of women must be systematically analysed by Governments and non-governmental organizations, with attention being paid, *inter alia*, to the impact of economic adjustment or transitional policies on the rights of women.

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[38] See footnote 16 above.

[39] Beijing, 4-15 September 1995 (see A/CONF.177/20 and Add.1, chap. I).

Children as a group are particularly vulnerable. What does the international community do to defend their rights?

—The World Conference on Human Rights stressed the importance of major international efforts aimed at promoting respect for the child's right to survival, protection and development. Within the United Nations system, numerous bodies and organs have important responsibility for the promotion and protection of the human rights of children: UNICEF, ILO, the Committee on the Rights of the Child, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, the Centre for Human Rights, the expert preparing a study on the situation of children affected by armed conflicts, the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Nor should one forget the fundamental role played by NGOs in the protection of children.

As High Commissioner for Human Rights, I have declared protection of the rights of the child one of my priorities, and I have the following objectives in this regard: better coordination of United Nations efforts, including in the framework of a working agreement between UNICEF and my Office; strengthening of the capacities of the Office of the High Commissioner/Centre for Human Rights with regard to the rights of the child, with a view, *inter alia,* to servicing better the Committee on the Rights of the Child; system-wide cooperation towards achieving the objectives established in the Plan of Action adopted by the World Summit for Children in 1990;[40] establishing working cooperation between my Office and relevant organizations concerned with the protection of children traumatized by war; and raising problems relating to the rights of the child with Governments.

The problem of cultural differences becomes particularly important in the case of minorities. What, in your view, is the situation of these groups in society?

—National and regional particularities and different historical, cultural and religious backgrounds should be recognized as a source of the development of mankind: the colours of multiculturalism are bright. Majorities need minorities to keep societies lively and progressing through the continuous dialectic of cultural difference. An analogous observation can be made for the rich contributions of indigenous people to society. The pursuit of harmony and dialogue should therefore guide society's internal relations. However, unsolved problems relating to national, ethnic, religious or linguistic minor-

[40] See A/45/625, annex.

ities, or to indigenous people, can be one of the major sources of international and internal conflicts involving widespread human rights violations. Tolerance is indispensable to bridge the abyss that differences too often create between people.

The Working Group on Minorities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities met for the first time in 1995 with a mandate to review the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[41] to examine possible solutions to problems involving minorities, and to propose further measures for the protection of persons belonging to minorities. Both the General Assembly[42] and the Commission on Human Rights[43] have called upon me to promote, within my mandate as High Commissioner, the implementation of the principles contained in the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose. In my contacts with Governments, I refer to issues relating to minorities and appeal for policies which would respond to the legitimate expectations of these groups.

And indigenous people?

—Indigenous people must be protected by human rights like everyone else. This is the basis. But let me stress that the whole international community bears the responsibility for creating a universal understanding that protection of indigenous people also means maintaining the irreplaceable, diversified human culture. Violation of the rights of indigenous people impoverishes the overall heritage of mankind as well. The International Decade of the World's Indigenous People,[44] which began in December 1994, provides the framework for action in this area.

It is to be noted with satisfaction that the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities has become a genuine world forum for the debate on issues relevant to indigenous people. At its fifty-first session, in 1995, the Commission on Human Rights, in response to a request by the Sub-Commission, decided to establish a working group to elaborate a draft declaration on the rights of indigenous peoples.[45]

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[41] See General Assembly resolution 43/135 of 18 December 1992, annex.

[42] See General Assembly resolution 49/192 of 23 December 1994, para. 8

[43] Commission on Human Rights resolution 1995/24 of 3 March 1995, para. 5.

[44] See General Assembly resolution 48/163 of 21 December 1993.

[45] See Commission on Human Rights resolution 1995/32 of 3 March 1995.

Extrajudicial, summary or arbitrary executions, torture, enforced disappearances and enforced displacements of people attract international attention by their arbitrary character and by the crude brutality with which they are perpetrated. What is being done to prevent these violations?[46]

—The uneasy struggle against extrajudicial, summary or arbitrary executions is a matter of the highest priority. The obligation of all Governments to conduct exhaustive and impartial investigations into all alleged extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, to grant adequate compensation to the families of victims and to

Impunity undermines justice

adopt all necessary measures to prevent the recurrence of such executions should be considered of the utmost importance, particularly in the context of the fundamental right to life. The Commission on Human Rights has urged the Special Rapporteur on extrajudicial, summary or arbitrary executions to draw my attention as High Commissioner to situations of particularly serious concern or where early action might prevent further deterioration.[47]

Torture remains one of the most atrocious and shameful violations against human dignity. The call by the World Conference on Human Rights for its eradication is not only a political objective but, first and foremost, a fundamental moral imperative. Human rights organs and treaty-based bodies have undertaken numerous steps to implement the recommendations contained in the Vienna Declaration and Programme of Action[48] (part II, paras. 54-61). However, torture and other cruel, inhuman or degrading treatment or punishment are still tolerated in many parts of the world. Full support should be given by Governments, relevant United Nations organs and bodies, and international and non-governmental organizations to the specific measures outlined in this context by the Commission on Human Rights. I also call for increased contributions to the United Nations Voluntary Fund for Victims of Torture, which is the main vehicle for providing concrete assistance to victims and their families.

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[46] "... the High Commissioner's responsibilities shall be:

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"(*f*) To play an active role in ... preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action;" (Resolution 48/141, para. 4 (*f*).)

[47] See Commission on Human Rights resolution 1996/74 of 23 April 1996, para. 8.

[48] See footnote 16 above.

The World Conference expressed concern about the increase in enforced disappearances in various parts of the world, particularly as a consequence of large-scale internal conflicts. The Commission on Human Rights has taken the same position.[49] Governments should respond promptly and positively: acts of enforced disappearance should be classified as offences under criminal law punishable by appropriate penalties which take into account their extreme seriousness. The Working Group on Enforced or Involuntary Disappearances helps to prevent and combat this phenomenon. To that end, Governments concerned should intensify their cooperation with the Working Group and take action on the recommendations which it addresses to them.

International and internal conflicts, discrimination and mass expulsions are sources of a rapidly growing number of internally displaced persons and refugees worldwide. It is estimated that there are some 30 million displaced persons in the world today. A lasting solution to this phenomenon can be achieved only through the elimination of its causes, which are often human rights violations themselves. I cooperate closely in this context with relevant United Nations programmes and agencies, in particular the Office of the United Nations High Commissioner for Refugees, and regional organizations, as well as with the representative of the Secretary-General on internally displaced persons.

IV. United Nations human rights machinery

As High Commissioner for Human Rights, you are charged with the coordination of human rights promotion and protection activities throughout the United Nations system.[50] *What means are being used for this purpose and what is the present state of such coordination?*

—The main tool which can be used for coordination within the United Nations system is the one I have already described for international cooperation, namely dialogue. Only a permanent dialogue within the system can help to promote human rights through a methodical exchange of information, experience and expertise.

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[49] See Commission on Human Rights resolution 1996/30 of 19 April 1996.

[50] "... the High Commissioner's responsibilities shall be:

"...

"(*i*) To coordinate the human rights promotion and protection activities throughout the United Nations system;"
(Resolution 48/141, para. 4 (*i*).)

A permanent dialogue has been started and, notwithstanding difficulties, is being continued with all United Nations agencies and programmes involved in the field of human rights. In 1994, a joint work programme was signed between the Centre for Human Rights and UNICEF and, in 1995, memoranda of understanding were signed with UNESCO and the United Nations Volunteers Programme. I am assisted in my responsibilities of coordination within the United Nations system by the Centre for Human Rights.

The coordination of human rights activities throughout the United Nations system was the subject of debate in the framework of the coordination segment of the Economic and Social Council in June 1995, the agenda for which included coordinated follow-up by the United Nations system and implementation of the results of the major international conferences organized by the United Nations in the economic, social and related fields. The same topic was considered by the Administrative Committee on Coordination during its autumn 1995 session.

Nevertheless, coordination is not enough, is it? Calls for rationalization, adaptation and streamlining of the Organization's human rights machinery are frequent and come from Governments, experts and NGOs.[51]

—Indeed, this is one of my fundamental responsibilities. The process must be based on an interlinkage between structural reform, a plan of action for the implementation of the Vienna Declaration and Programme of Action,[52] and the provision of adequate human and financial resources. In particular, measures are being taken to make the human rights machinery: (*a*) more effective and cost-efficient; (*b*) able to act swiftly and respond appropriately to human rights situations; (*c*) stronger, through international cooperation in the field of human rights; (*d*) more transparent and understandable to the outside world. Adjustment to the new needs remains primarily the responsibility of the organs or bodies in question, and my Office therefore assists and facilitates their endeavours, analysing the existing United Nations human rights machinery with a view to elaborating proposals for its overall adaptation.

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[51] "... the High Commissioner's responsibilities shall be:

"...

"(*j*) To rationalize, adapt, strengthen and streamline the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness;" (Resolution 48/141, para. 4 (*j*).)

[52] See footnote 16 above.

The Centre for Human Rights, whose overall supervision is one of your responsibilities,[53] *is currently undergoing a thorough restructuring. How is this process being conducted?*

–In 1995, I initiated a process aimed at restructuring the programme of work and organization of the Centre for Human Rights in order to enable it to achieve its objectives effectively and efficiently. In the framework of internal discussions and with the assistance of an external consultant, a vision of the future shape and nature of human rights support in the United Nations has been developed. The "change plan" includes projects for reorganization and refocusing in five areas: managing finances; managing human resources; managing information; managing relations with other partners; and

Future needs are a present duty

restructuring the Centre. The new structure will incorporate the following branches: (*a*) the Research and Right to Development Branch; (*b*) the Support Services Branch; (*c*) the Activities and Programmes Branch. Restructuring, however, is not an end in itself. Setting up new structures alone cannot resolve existing problems. What is needed is a new approach to managing the human rights programme. A true reform of the Office of the High Commissioner/Centre for Human Rights is currently under way, one which finally should increase our ability to respond swiftly and effectively to evolving needs.

The restructuring is described in more detail in a report by the Secretary-General to the General Assembly at its fiftieth session.[54]

The state of financial resources is a matter of grave concern for the whole United Nations system but the problem seems to be particularly urgent for human rights activities.[55] *Do you share this view?*

—The World Conference on Human Rights requested the Secretary-General and the General Assembly to provide the Centre for Human Rights with suf-

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[53] "... the High Commissioner's responsibilities shall be:

"...

"(*k*) To carry out overall supervision of the Centre for Human Rights;"
(Resolution 48/141, para. 4 (*k*).)

[54] A/C.5/50/71.

[55] "*The General Assembly,*

"...

"7. *Requests* the Secretary-General to provide appropriate staff and resources, within the existing and future regular budgets of the United Nations, to enable the High Commissioner to fulfil his/her mandate ..."
(Resolution 48/141, para. 7.)

ficient human, financial and other resources. The disparity between the increasing United Nations human rights activities and the resources available to carry them out is constantly growing and has become a cause of major concern. Yet it is evident that adequate human, financial and material resources are necessary in order to carry out, in full and on time, the United Nations mandate in the field of human rights.

Financial resources are wood for the human rights flame

The recent increase of the share of the human rights programme in the overall United Nations programme budget to about 1.8 per cent is an important step to address this issue. However, a further increase of the regular budget for human rights is necessary to meet the basic needs of the expanding mandate. At the same time, while tribute should be paid to those countries that do make contributions to the voluntary human rights funds, all countries should be urged to contribute to them. Voluntary funds constitute an indispensable component of the overall human rights budget.

Part Three

References

Resolutions of the General Assembly and the Commission on Human Rights

This part lists resolutions adopted by the General Assembly and the Commission on Human Rights which address the High Commissioner for Human Rights. It covers the first years since the establishment of the High Commissioner and thus includes the forty-ninth and fiftieth sessions of the General Assembly, as well as the fifty-first and fifty-second sessions of the Commission on Human Rights. This list is intended to facilitate further research on the responsibilities of the High Commissioner, and is not to be considered exhaustive.

Resolutions of the General Assembly—forty-ninth session (1994)

49/145 (23 December 1994)	Report of the Committee on the Elimination of Racial Discrimination
49/178 (23 December 1994)	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights
49/183 (23 December 1994)	Right to development
49/184 (23 December 1994)	United Nations Decade for Human Rights Education[56]
49/187 (23 December 1994)	Development of public information activities in the field of human rights
49/191 (23 December 1994)	Summary or arbitrary executions

[56] See also the report of the Secretary-General on preparation of a plan for a United Nations decade for human rights education, addendum (A/49/261/Add.1-E/1994/110/Add.1).

49/192 (23 December 1994)	Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
49/193 (23 December 1994)	Question of enforced or involuntary disappearances
49/195 (23 December 1994)	Strengthening of the Centre for Human Rights of the Secretariat
49/201 (23 December 1994)	Human rights in Haiti
49/204 (23 December 1994)	Situation of human rights in Kosovo
49/206 (23 December 1994)	Situation of human rights in Rwanda
49/208 (23 December 1994)	Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action
49/211 (23 December 1994)	Implementation of the Convention on the Rights of the Child
49/212 (23 December 1994)	The plight of street children

Resolutions of the General Assembly—fiftieth session (1995)

50/157 (21 December 1995)	Programme of activities for the International Decade of the World's Indigenous People
50/168 (22 December 1995)	Violence against women migrant workers
50/170 (22 December 1995)	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights
50/177 (22 December 1995)	United Nations Decade for Human Rights Education
50/178 (22 December 1995)	Situation of human rights in Cambodia
50/179 (22 December 1995)	Strengthening of the rule of law
50/180 (22 December 1995)	Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
50/182 (22 December 1995)	Human rights and mass exoduses
50/184 (22 December 1995)	Right to development
50/187 (22 December 1995)	Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights

50/189 (22 December 1995)	Situation of human rights in Afghanistan
50/190 (22 December 1995)	Situation of human rights in Kosovo
50/192 (22 December 1995)	Rape and abuse of women in the areas of armed conflict in the former Yugoslavia
50/193 (22 December 1995)	Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)
50/196 (22 December 1995)	Human rights in Haiti
50/200 (22 December 1995)	Situation of human rights in Rwanda
50/201 (22 December 1995)	Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Resolutions of the Commission on Human Rights—fifty-first session (1995)

1995/11 (24 February 1995)	Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination
1995/12 (24 February 1995)	Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance
1995/13 (24 February 1995)	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development
1995/14 (24 February 1995)	Human rights and the environment
1995/15 (24 February 1995)	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing counties face in their efforts to achieve these human rights
1995/19 (24 February 1995)	Promoting the realization of the right to adequate housing
1995/24 (3 March 1995)	Rights of persons belonging to national or ethnic, religious and linguistic minorities

1995/28 (3 March 1995)	International Decade of the World's Indigenous People
1995/30 (3 March 1995)	A permanent forum for indigenous people in the United Nations system
1995/37 (3 March 1995)	Torture and other cruel, inhuman or degrading treatment or punishment
1995/38 (3 March 1995)	Question of enforced disappearances
1995/41 (3 March 1995)	Human rights in the administration of justice, in particular of children and juveniles in detention
1995/46 (3 March 1995)	Regional arrangements for the promotion and protection of human rights
1995/47 (3 March 1995)	Decade for Human Rights Education
1995/48 (3 March 1995)	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region
1995/49 (3 March 1995)	Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights
1995/50 (3 March 1995)	National institutions for the promotion and protection of human rights
1995/53 (3 March 1995)	Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights
1995/54 (3 March 1995)	Assistance to States in strengthening the rule of law
1995/55 (3 March 1995)	The situation of human rights in Cambodia
1995/56 (3 March 1995)	Assistance to Somalia in the field of human rights
1995/57 (3 March 1995)	Internally displaced persons
1995/63 (7 March 1995)	Advisory services to El Salvador in the field of human rights
1995/64 (7 March 1995)	Strengthening the Centre for Human Rights
1995/66 (7 March 1995)	Situation of human rights in Cuba
1995/69 (8 March 1995)	Situation of human rights in Zaire
1995/73 (8 March 1995)	Extrajudicial, summary or arbitrary executions
1995/75 (8 March 1995)	Cooperation with representatives of United Nations human rights bodies

1995/79 (8 March 1995)	Rights of the child
1995/80 (8 March 1995)	Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action
1995/86 (8 March 1995)	Question of integrating the human rights of women into the human rights mechanisms of the United Nations
1995/88 (8 March 1995)	Human rights and mass exoduses
1995/89 (8 March 1995)	Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)
1995/90 (8 March 1995)	Situation of human rights in Burundi
1995/91 (8 March 1995)	Situation of human rights in Rwanda
1995/92 (8 March 1995)	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights
1995/93 (10 March 1995)	Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action

Resolutions of the Commission on Human Rights—fifty-second session (1996)

1996/1 (27 March 1996)	Situation of human rights in Burundi
1996/9 (11 April 1996)	Human rights and unilateral coercive measures
1996/11 (11 April 1996)	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights
1996/12 (11 April 1996)	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

1996/17 (11 April 1996)	Violence against women migrant workers
1996/18 (11 April 1996)	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
1996/19 (11 April 1996)	Tolerance and pluralism as indivisible elements in the promotion and protection of human rights
1996/20 (11 April 1996)	Rights of persons belonging to national or ethnic, religious and linguistic minorities
1996/22 (19 April 1996)	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights
1996/24 (19 April 1996)	Traffic in women and girls
1996/39 (19 April 1996)	International Decade of the World's Indigenous People
1996/42 (19 April 1996)	Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights
1996/43 (19 April 1996)	The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)
1996/44 (19 April 1996)	United Nations Decade for Human Rights Education
1996/48 (19 April 1996)	Question of integrating the human rights of women throughout the United Nations system
1996/51 (19 April 1996)	Human rights and mass exoduses
1996/52 (19 April 1996)	Internally displaced persons
1996/53 (19 April 1996)	Right to freedom of opinion and expression
1996/55 (19 April 1996)	Advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights
1996/56 (19 April 1996)	Assistance to States in strengthening the rule of law
1996/58 (19 April 1996)	Situation of human rights in Haiti
1996/71 (23 April 1996)	Situation of human rights in the Republic of Bosnia and Herzegovina, the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

1996/76 (23 April 1996)	Situation of human rights in Rwanda
1996/78 (23 April 1996)	Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action
1996/82 (24 April 1996)	Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights

ANNEX

General Assembly resolution 48/141[a]

48/141. High Commissioner for the promotion and protection of all human rights

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations,

Emphasizing the responsibilities of all States, in conformity with the Charter, to promote and encourage respect for all human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Emphasizing also the need to observe the Universal Declaration of Human Rights and for the full implementation of the human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as the Declaration on the Right to Development,

Reaffirming that the right to development is a universal and inalienable right which is a fundamental part of the rights of the human person,

Considering that the promotion and the protection of all human rights is one of the priorities of the international community,

Recalling that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in promoting and encouraging respect for human rights,

Reaffirming the commitment made under Article 56 of the Charter to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in Article 55,

Emphasizing the need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-

[a] Adopted on 20 December 1993

selectivity, in the spirit of constructive international dialogue and cooperation,

Aware that all human rights are universal, indivisible, interdependent and interrelated and that as such they should be given the same emphasis,

Affirming its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Convinced that the World Conference on Human Rights made an important contribution to the cause of human rights and that its recommendations should be implemented through effective action by all States, the competent organs of the United Nations and the specialized agencies, in cooperation with non-governmental organizations,

Acknowledging the importance of strengthening the provision of advisory services and technical assistance by the Centre for Human Rights of the Secretariat and other relevant programmes and bodies of the United Nations system for the purpose of the promotion and protection of all human rights,

Determined to adapt, strengthen and streamline the existing mechanisms to promote and protect all human rights and fundamental freedoms while avoiding unnecessary duplication,

Recognizing that the activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives of universal respect for observance of international human rights standards,

Reaffirming that the General Assembly, the Economic and Social Council and the Commission on Human Rights are the responsible organs for decision- and policy-making for the promotion and protection of all human rights,

Reaffirming also the necessity for a continued adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights and the need to improve its coordination, efficiency and effectiveness, as reflected in the Vienna Declaration and Programme of Action and within the framework of a balanced and sustainable development for all people,

Having considered the recommendation contained in paragraph 18 of section II of the Vienna Declaration and Programme of Action,

1. *Decides* to create the post of the High Commissioner for Human Rights;

2. *Decides* that the High Commissioner for Human Rights shall:

(*a*) Be a person of high moral standing and personal integrity and shall possess expertise, including in the field of human rights, and the gen-

eral knowledge and understanding of diverse cultures necessary for impartial, objective, non-selective and effective performance of the duties of the High Commissioner;

(*b*) Be appointed by the Secretary-General of the United Nations and approved by the General Assembly, with due regard to geographical rotation, and have a fixed term of four years with a possibility of one renewal for another fixed term of four years;

(*c*) Be of the rank of Under-Secretary-General;

3. *Also decides* that the High Commissioner for Human Rights shall:

(*a*) Function within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights, other international instruments of human rights and international law, including the obligations, within this framework, to respect the sovereignty, territorial integrity and domestic jurisdiction of States and to promote the universal respect for and observance of all human rights, in the recognition that, in the framework of the purposes and principles of the Charter, the promotion and protection of all human rights is a legitimate concern of the international community;

(*b*) Be guided by the recognition that all human rights—civil, cultural, economic, political and social—are universal, indivisible, interdependent and interrelated and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

(*c*) Recognize the importance of promoting a balanced and sustainable development for all people and of ensuring realization of the right to development, as established in the Declaration on the Right to Development;

4. *Further decides* that the High Commissioner shall be the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General and that within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner's responsibilities shall be:

(*a*) To promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights;

(*b*) To carry out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and to make recommendations to them with a view to improving the promotion and protection of all human rights;

(*c*) To promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose;

(*d*) To provide, through the Centre for Human Rights of the Secretariat and other appropriate institutions, advisory services and technical and financial assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights;

(*e*) To coordinate relevant United Nations education and public information programmes in the field of human rights;

(*f*) To play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action;

(*g*) To engage in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights;

(*h*) To enhance international cooperation for the promotion and protection of all human rights;

(*i*) To coordinate the human rights promotion and protection activities throughout the United Nations system;

(*j*) To rationalize, adapt, strengthen and streamline the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness;

(*k*) To carry out overall supervision of the Centre for Human Rights;

5. *Requests* the High Commissioner for Human Rights to report annually on his/her activities, in accordance with his/her mandate, to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly;

6. *Decides* that the Office of the High Commissioner for Human Rights shall be located at Geneva and shall have a liaison office in New York;

7. *Requests* the Secretary-General to provide appropriate staff and resources, within the existing and future regular budgets of the United Nations, to enable the High Commissioner to fulfil his/her mandate, without diverting resources from the development programmes and activities of the United Nations;

8. *Also requests* the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution.

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